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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/872,640	05/31/2001	Motasim Sirhan	020460000210	1955
20350	7590	03/01/2006	EXAMINER	
TOWNSEND AND TOWNSEND AND CREW, LLP TWO EMBARCADERO CENTER EIGHTH FLOOR SAN FRANCISCO, CA 94111-3834			THALER, MICHAEL H	
			ART UNIT	PAPER NUMBER
			3731	

DATE MAILED: 03/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No. 09/872,640	Applicant(s) SIRHAN ET AL.	
	Examiner Michael Thaler	Art Unit 3731	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-9,12,15-19 and 22-36 is/are pending in the application.
- 4a) Of the above claim(s) 26-36 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-9,12,15-19 and 22-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Claims 1, 3, 5-9, 17, 23 and 25 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Weikl et al. (4,573,966). Weikl et al., in figures 3 and 4, disclose catheter body 1, 17 having a guidewire lumen (lumen 11 shown in figure 1 which is inherently capable of receiving a guidewire) and axial slit (within raised portion 17) and first balloon structure comprising balloon 5 and a passage (within slider 14) and inflation tube 16 receivable in the axial slit (col. 4, lines 38-54). Inflation tube 16 is inherently removable from the axial slit since the slit is open at the top as seen in figure 4. Alternatively, it would have been obvious that inflation tube 16 is removable from the axial slit since the slit is open at the top. As to claim 7, the catheter body may be considered to include tubular members 1 and 11 which are coupled to one another. As to claim 17, Weikl et al. disclose second balloon structure 4 having a passage which is slidably receivable over catheter body 1 (during assembly of the parts). As to claim 23, Weikl et al. disclose inner sleeve 14.

Claims 4, 12, 16, 18, 22 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weikl et al. (4,573,966). As to claims 4, 12, 22 and 24, Weikl et al. fail to disclose the specific dimensions claimed. However, it would

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have been obvious to dimension the Weikl et al. catheter as claimed so that it could fit within a blood vessel and reach the target site. As to claim 18, Weikl et al. fail to disclose an expandable vascular prosthesis on the second balloon 4. However, it is old and well known to include an expandable vascular prosthesis (e.g. a stent) on a balloon in order to obtain the advantage of dilating an obstruction in a blood vessel and preventing its recoil. It would have been obvious to include an expandable vascular prosthesis on balloon 4 of Weikl et al. so that it could dilate the obstruction 7 if it is not dissolved sufficiently as described in col. 4, lines 11-18.

Claims 15 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weikl et al. (4,573,966) in view of Schiffer (5,195,978). As to claim 19, Weikl et al. fail to disclose the catheter body 1 being axially slit over at least a portion of the guidewire lumen. However, Schiffer teaches that a balloon catheter should being axially slit over at least a portion of a guidewire lumen (where tear strip 32 has been removed) in order to obtain the advantage of permitting easy removal of a guidewire therein (col. 3, lines 53-58 and col. 6, lines 43-47). It would have been obvious to make catheter body 1 of Weikl et al. axially slit over at least a portion of a guidewire lumen so that it too has this advantage. As to claim

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15, Weikl et al. fail to disclose the catheter body 1 being free from structure which would interfere with passage of the balloon structure 5 over the proximal end of the catheter body 1 (noting that Weikl et al. is silent on this point since the proximal end of the catheter body 1 is not shown in the drawings). However, Schiffer teaches that hub 16 on the proximal end of a balloon catheter should be removable in order to obtain the advantage of exposing pull tab 38 for tear strip 32 (col. 6, line 63 to col. 7, line 1). Assuming *arguendo* that a hub or similar member is on the proximal end of catheter body 1 Weikl et al., it would have been obvious to make the hub removable, so that it too would have this advantage. With this modification, the Weikl et al. catheter body 1 would be free from structure which would interfere with passage of the balloon structure 5 over the proximal end of the catheter body 1 (when the hub is removed).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Thaler whose telephone number is (571)272-4704. The examiner can normally be reached Monday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anhtuan T. Nguyen can be reached on (571)272-4963. The fax phone number for the

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organization where this application or proceeding is assigned is
(571)273-8300.

mht
2/23/06

A handwritten signature in black ink, appearing to read "Michael Thaler", written in a cursive style.

MICHAEL THALER
PRIMARY EXAMINER
ART UNIT 3731